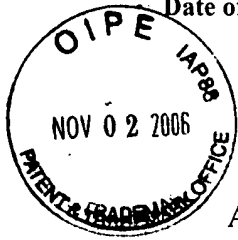


Express Mail Label No.: EV 869861854US  
Date of Deposit: November 2, 2006

Attorney Docket No.: 28069-623-NATL



**0IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS :	Rudi Mueller-Walz	Int. Serial No.:	POCT/IB04/03465
SERIAL NUMBER :	10/574,302	EXAMINER :	Not Yet Assigned
INT. FILING DATE :	October 8, 2004	ART UNIT :	Not Yet Assigned
FOR : AEROSOL FORMULATION COMPRISING FORMOTEROL IN SUSPENSION			

**MAIL STOP Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Transmitted herewith for filing in the present application are the following documents:

1. Copy of Notification of Missing Requirements under 35 U.S.C. 371 (2 pages);
2. Response to Notification of Missing Requirements (1 page);
3. Check No. 23301 in the amount of \$130.00 to cover surcharge;
4. Combined Declaration and Power of Attorney (3 pages);
5. Return Postcard.

Although Applicants believe no fees are due with this submission, the Commissioner is authorized to charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 28069-623 NATL).

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

11/08/2006 GFREY1 00000113 10574302

01 FC:1617

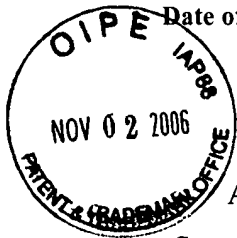
130.00 DP

*Naomi S. Biswas*  
Ivor R. Elrifi, Reg. No. 39,529  
Naomi S. Biswas, Reg. No. 38,384  
Attorneys for Applicants  
MINTZ, LEVIN  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
Customer No. 30623

Date: November 2, 2006

Express Mail Label No.: EV 869861854US  
Date of Deposit: November 2, 2006

Attorney Docket No. 28069-623 NATL



**0IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Rudi Mueller-Walz                      Int. Serial No.: PCT/IB04/03465  
SERIAL NUMBER : 10/574,302                      EXAMINER : Not Yet Assigned  
FILING DATE : October 8, 2004                      ART UNIT : Not Yet Assigned  
FOR : AEROSOL FORMULATION COMPRISING FORMOTEROL IN  
SUSPENSION

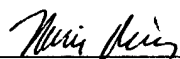
**MAIL STOP Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371**

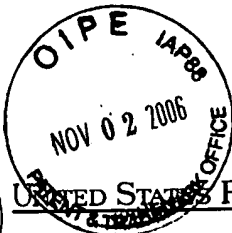
In response to the Notification of Missing Requirements under 35 U.S.C. §371 mailed on October 2, 2006, Applicants submit herein an executed Combined Declaration and Power of Attorney form, payment of the surcharge of \$130.00 as set forth in 37 C.F.R. §1.492(h) and a copy of the Notification of Missing Requirements. This response is due on or before December 2, 2006.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20869-623 NATL.

Respectfully submitted,

  
\_\_\_\_\_  
Ivor R. Elrifi, Reg. No. 39,529  
Naomi S. Biswas, Reg. No. 38,384  
Attorneys for Applicants  
MINTZ, LEVIN  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
Customer No. 30623

Date: November 2, 2006



11-06-06

PCT  
\$

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/574,302	FIRST NAMED APPLICANT Rudi Mueller-Walz	ATTY. DOCKET NO. 28069-623 NATL
---	--	------------------------------------

INTERNATIONAL APPLICATION NO.

PCT/IB04/03465

I.A. FILING DATE

10/08/2004

PRIORITY DATE

10/09/2003

35437

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO  
666 THIRD AVENUE  
NEW YORK, NY 10017

**RECEIVED**

OCT 03 2006

Mintz Levin - NYC

CONFIRMATION NO. 7066

371 FORMALITIES LETTER



\*OC000000020654430\*

Date Mailed: 10/02/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/31/2006
- Copy of the International Search Report filed on 03/31/2006
- Preliminary Amendments filed on 03/31/2006
- Information Disclosure Statements filed on 03/31/2006
- Oath or Declaration filed on 03/31/2006
- U.S. Basic National Fees filed on 03/31/2006
- Priority Documents filed on 03/31/2006
- Specification filed on 03/31/2006
- Claims filed on 03/31/2006
- Abstracts filed on 03/31/2006

<input type="checkbox"/> File Folder	Done By
<input type="checkbox"/> Data Entry	
<input checked="" type="checkbox"/> Docket Entry	
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req	
<input type="checkbox"/> Order Copies	5/2/07
<input type="checkbox"/> Annuities	Final

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,302	PCT/IB04/03465	28069-623 NATL

FORM PCT/DO/EO/905 (371 Formalities Notice)